

## **PARENTAL PLACEMENTS FOR ADOPTION AND THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

According to Virginia law, only two types of placements for adoption are legally permitted: those made by duly authorized agencies and those made by parents. This law applies to placements made within the state as well as to placements into or out of the state when either the placing parent(s) or the adopting parent(s) are Virginia residents. Adoption statutes can be found in the *Code of Virginia*, Chapter 12. Parental placement adoptions are governed primarily by the *Code of Virginia* 63.2-1230 through 63.2-1240.

When a placement for adoption is being proposed to occur across state lines, the requirements of the Interstate Compact on the Placement of Children must also be met, unless the parent is placing their child with the child's grandparent, step-parent, adult brother or adult sister, or adult uncle or adult aunt.\* The Interstate Compact, which is law in all fifty states, the District of Columbia, and the Virgin Islands, requires that the written permission of the Compact Administrator in the state of the child's proposed new residence must be obtained before the placement can occur. Because the Compact is law, compliance with its requirements is mandatory, not discretionary. In Virginia, the Compact statute can be found in Chapters 10 and 11 of the *Code of Virginia*.

\* Note: Interstate Compact law, Article VIII, addresses limitations. In Article VIII (a), only close relatives listed in Article VIII (a) are exempt from the Compact when a parent is placing their child across state lines with an individual identified in this group.

### **PROCEDURES FOR PARENTAL PLACEMENTS INTO VIRGINIA**

In order to obtain the written permission of the Virginia Interstate Compact Office for a parent to place a child into Virginia for the purpose of adoption, an Interstate Compact on the Placement of Children (ICPC) Request packet must be forwarded to the Virginia Interstate Compact office by the Interstate Office in the parent's residence state. (Courtesy request packets will not be accepted.) The complete packet must include:

1. ICPC-I00A, "Interstate Compact Placement Request", properly completed and signed.
2. A written statement from the birth parent(s) which clearly documents that the birth parent(s) know the prospective adopting parent(s) and that based upon this knowledge desire to place their child with them.
3. Complete social and medical/genetic background on the birth family and child, to include:
  - a. Social or autobiographical information on the birth parents.
  - b. Thorough medical/genetic history on the birth parents and their extended families.
  - c. Newborn infant record and pediatric medical report.

- d. Other social/medical/developmental information on the child, as indicated by the age of the child.
4. Information regarding the participation/legal status of any other biological, legal, or alleged parent, when the adoptive placement is being made by only one parent.

All information and documentation must be submitted in triplicate or the request will be delayed or returned for correction. The ICPC-I00A can not be accepted until after the birth of the child. The ICPC-I00A must be submitted in original form - no copies or faxes will be acted upon.

Upon receipt of a complete placement request packet from the sending state's Interstate Compact Office, the Virginia Interstate Office will request a home study from the agency identified on the ICPC-100A as having agreed to provide services.

The home study must:

1. Be completed by a child placing agency licensed by Virginia to provide adoption services or a Virginia public department of social services. An independent social worker may not prepare a home study in Virginia.
2. Be current within one year.

The home study must be submitted in triplicate or the action on the case may be delayed.

When all required information on the child, the birth family and the adopting family have been received by the Virginia Interstate Compact Office the information will be reviewed for compliance with all relevant placement laws and in relation to the interests of the child. If the information is favorable, the Virginia Office will notify the Compact Office in the sending state by forwarding a signed ICPC-I00A approving the placement. If the placement appears to be in violation of placement laws or contrary to the interests of the child, and no remedy can be implemented, the placement will be formally denied and the Compact office in the sending state will be notified of the denial.

If written approval has been issued by the Virginia Interstate Compact Office, the placement may be made.

The placing parent must notify the Interstate Offices that the placement has been made by submitting an ICPC-I00B form to the Interstate office in the sending state. Upon receipt from the sending state's Interstate Compact Office, the Virginia Interstate Office will forward the ICPC-I00B to the adopting family's agency to initiate supervision. Supervision will be provided as required until a final order of adoption is entered.

### **PROCEDURES FOR PARENTAL PLACEMENTS OUT OF VIRGINIA**

Written permission for a parent to place a child from Virginia into another state must be given by the Interstate Compact Administrator in the receiving state. In order to obtain this permission, a request packet must be submitted to the Virginia Interstate Compact Office

for forwarding to the proposed adoptive parent(s) state of residence. In order to meet Virginia's placement requirements, the request packet must include:

1. ICPC-100A, "Interstate Compact Placement Request", properly completed and signed.
2. A written statement from the birth parent(s) which clearly documents that the birth parent(s) know the prospective adopting parent(s) and that based upon this knowledge desire to place their child with them.
3. Complete social and medical/genetic background on the birth family and child to include:
  - a. Social or autobiographical information on the birth parents.
  - b. Thorough medical/genetic history on the birth parents and their extended families.
  - c. Newborn infant record and pediatric medical report.
  - d. Other social/medical/developmental information on the child, as indicated by the age of the child.
4. Information regarding the participation/legal status of any other biological, legal, or alleged parent, when the adoptive placement is being made by only one parent.

All information and documentation must be submitted in triplicate or the request will be delayed or returned for correction. The ICPC-100A can not be accepted until after the birth of the child. The ICPC-100A must be submitted in original form - no copies or faxes will be acted upon.

Because final permission to place rests with the Interstate Compact Administrator in the receiving state, compliance with all child placement laws in that state must be met. Therefore, it is possible that additional documentation may be required in order to comply with the laws and procedures in the receiving state. Staff is available in the Virginia Interstate Office to assist in identifying any additional requirements that might apply to a specific proposed placement.

Upon receipt of a complete request packet, the Virginia Interstate office will review the information for compliance with all applicable Virginia placement laws, and if satisfactory, will forward the packet to the Interstate Compact Office in the state where the prospective adoptive parent(s) live.

The Interstate Office in the receiving state will request a home study from the agency identified on the ICPC-100A as having agreed to provide service.

When all required information on the child, the birth family and the adopting family have been received by the Interstate Compact office in the receiving state, the information will be reviewed for compliance with all relevant placement laws and in relation to the interests

of the child. If the information is favorable, that Interstate office will notify the Virginia interstate Compact Office by forwarding a signed ICPC-100A approving the placement. If the placement appears to be in violation of placement laws or contrary to the interests of the child, and no remedy can be implemented, the placement will be formally denied and the Virginia Interstate Compact Office will be notified of the denial.

If written approval has been issued by the Interstate Compact office in the receiving state, the placement may be made.

The placing parent must notify the Interstate Offices that the placement has been made by submitting an ICPC-100B form to the Interstate office in Virginia. Upon receipt, the receiving state's Interstate Office will forward the ICPC-100B to the adopting family's agency to initiate supervision. Supervision will be provided as required until a final order of adoption is entered.

For additional information, contact the Virginia Interstate Office at:

Deputy Compact Administrator  
Virginia Department of Social Services  
7 N. Eighth Street  
Richmond, VA 23219  
Tel: (800) 552-3431